

109TH CONGRESS
2D SESSION

H. R. 5337

To ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2006

Mr. BLUNT (for himself, Ms. PRYCE of Ohio, Mrs. MALONEY, Mr. CROWLEY, Mr. KING of New York, Mr. HOEKSTRA, Mr. BARTON of Texas, Mr. SMITH of Texas, Mr. YOUNG of Alaska, Mr. MANZULLO, Mr. REYNOLDS, Mr. BAKER, Mr. BACHUS, Mr. NEY, Mrs. KELLY, Mr. FOLEY, Mr. FOSSELLA, Mrs. BIGGERT, Mrs. MYRICK, Mr. DOOLITTLE, Ms. HARRIS, Mr. SHAYS, and Mr. McCOTTER) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure national security while promoting foreign investment and the creation and maintenance of jobs, to reform the process by which such investments are examined for any effect they may have on national security, to establish the Committee on Foreign Investment in the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reform of National
5 Security Reviews of Foreign Direct Investments Act”.

6 **SEC. 2. UNITED STATES SECURITY IMPROVEMENT AMEND-**
7 **MENTS; CLARIFICATION OF REVIEW AND IN-**
8 **VESTIGATION PROCESS.**

9 Section 721 of the Defense Production Act of 1950
10 (50 U.S.C. App. 2170) is amended by striking subsections
11 (a) and (b) and inserting the following new subsections:

12 “(a) DEFINITIONS.—For purposes of this section, the
13 following definitions shall apply:

14 “(1) COMMITTEE.—The term ‘Committee’
15 means the Committee on Foreign Investment in the
16 United States.

17 “(2) CONTROL.—The term ‘control’ has the
18 meaning given to such term in regulations which the
19 Committee shall prescribe.

20 “(3) COVERED TRANSACTION.—The term ‘cov-
21 ered transaction’ means any merger, acquisition, or
22 takeover by or with any foreign person which could
23 result in foreign control of any person engaged in
24 interstate commerce in the United States.

1 “(4) FOREIGN GOVERNMENT-CONTROLLED
2 TRANSACTION.—The term ‘foreign government-con-
3 trolled transaction’ means any covered transaction
4 that could result in the control of any person en-
5 gaged in interstate commerce in the United States
6 by a foreign government or an entity controlled by
7 or acting on behalf of a foreign government.

8 “(5) CLARIFICATION.—The term ‘national secu-
9 rity’ shall be construed so as to include those issues
10 relating to “homeland security,” including its appli-
11 cation to critical infrastructure (as defined in the
12 Homeland Security Act of 2002).

13 “(b) NATIONAL SECURITY REVIEWS AND INVESTIGA-
14 TIONS.—

15 “(1) NATIONAL SECURITY REVIEWS.—

16 “(A) IN GENERAL.—Upon receiving writ-
17 ten notification under subparagraph (C) of any
18 covered transaction, or on a motion made under
19 subparagraph (D) with respect to any covered
20 transaction, the President, acting through the
21 Committee, shall review the covered transaction
22 to determine whether the transaction threatens
23 to impair the national security of the United
24 States and whether such threat can be miti-
25 gated.

1 “(B) CONTROL BY FOREIGN GOVERN-
2 MENT.—If the Committee determines that the
3 covered transaction is a foreign government-
4 controlled transaction, the Committee shall con-
5 duct an investigation of the transaction under
6 paragraph (2).

7 “(C) WRITTEN NOTICE.—

8 “(i) IN GENERAL.—Any party to any
9 covered transaction may initiate a review
10 of the transaction under this paragraph by
11 submitting a written notice of the trans-
12 action to the Chairperson of the Com-
13 mittee.

14 “(ii) WITHDRAWAL OF NOTICE.—No
15 covered transaction for which a notice was
16 submitted under clause (i) may be with-
17 drawn from review unless—

18 “(I) a written request for such
19 withdrawal is submitted by any party
20 to the transaction; and

21 “(II) the request is approved in
22 writing by the Chairperson, in con-
23 sultation with the Vice Chairperson,
24 of the Committee.

1 “(D) UNILATERAL INITIATION OF RE-
2 VIEW.—The President, the Committee, or any
3 member of the Committee may move to initiate
4 a review under subparagraph (A) of—

5 “(i) any covered transaction;

6 “(ii) any covered transaction that has
7 previously been reviewed or investigated
8 under this section, if any party to the
9 transaction submitted false or misleading
10 material information to the Committee in
11 connection with the review or investigation
12 or omitted material information, including
13 material documents, from information sub-
14 mitted to the Committee; or

15 “(iii) any covered transaction that has
16 previously been reviewed or investigated
17 under this section, if any party to the
18 transaction or the entity resulting from
19 consummation of the transaction inten-
20 tionally materially breaches a mitigation
21 agreement or condition described in sub-
22 section (l)(1)(A), and—

23 “(I) such breach is certified by
24 the lead department or agency moni-
25 toring and enforcing such agreement

1 or condition as an intentional material
2 breach; and

3 “(II) such department or agency
4 certifies that there is no other remedy
5 or enforcement tool available to ad-
6 dress such breach.

7 “(E) TIMING.—Any review under this
8 paragraph shall be completed before the end of
9 the 30-day period beginning on the date of the
10 receipt of written notice under subparagraph
11 (C) by the Chairperson of the Committee, or
12 the date of the initiation of the review in ac-
13 cordance with a motion under subparagraph
14 (D).

15 “(2) NATIONAL SECURITY INVESTIGATIONS.—

16 “(A) IN GENERAL.—In each case in
17 which—

18 “(i) a review of a covered transaction
19 under paragraph (1) results in a deter-
20 mination that—

21 “(I) the transaction threatens to
22 impair the national security of the
23 United States and that threat has not
24 been mitigated during or prior to the

1 review of a covered transaction under
2 paragraph (1); or

3 “(II) the transaction is a foreign
4 government-controlled transaction; or

5 “(ii) the Director of National Intel-
6 ligence identifies particularly complex na-
7 tional security or intelligence issues that
8 could threaten to impair the national secu-
9 rity of the United States and were not re-
10 solved during the initial review period
11 under paragraph (1),

12 the President, acting through the Committee,
13 shall immediately conduct an investigation of
14 the effects of the transaction on the national se-
15 curity of the United States and take any nec-
16 essary actions in connection with the trans-
17 action to protect the national security of the
18 United States.

19 “(B) TIMING.—

20 “(i) IN GENERAL.—Any investigation
21 under subparagraph (A) shall be completed
22 before the end of the 45-day period begin-
23 ning on the date of the investigation com-
24 menced.

1 “(ii) EXTENSIONS OF TIME.—The pe-
2 riod established under subparagraph (B)
3 for any investigation of a covered trans-
4 action may be extended with respect to any
5 particular investigation by the President or
6 by a rollcall vote of at least 2/3 of the
7 members of the Committee involved in the
8 investigation by the amount of time speci-
9 fied by the President or the Committee at
10 the time of the extension, not to exceed 45
11 days, as necessary to collect and fully
12 evaluate information relating to—

13 “(I) the covered transaction or
14 parties to the transaction; and

15 “(II) any effect of the trans-
16 action that could threaten to impair
17 the national security of the United
18 States.

19 “(3) APPROVAL OF CHAIRPERSON AND VICE
20 CHAIRPERSON REQUIRED.—

21 “(A) IN GENERAL.—A review or investiga-
22 tion under this subsection of a covered trans-
23 action shall not be treated as final or complete
24 until the findings and the report resulting from
25 such review or investigation are approved and

1 signed by both the Secretary of the Treasury
2 and the Secretary of Homeland Security (and
3 such authority of each such Secretary may not
4 be delegated to any person other than the Dep-
5 uty Secretary of the Treasury or the Deputy
6 Secretary of Homeland Security, respectively).

7 “(B) ADDITIONAL ACTIONS REQUIRED IN
8 CERTAIN CASES.—In the case of an investiga-
9 tion under paragraph (2) of any foreign govern-
10 ment-controlled transaction, an investigation
11 shall not be treated as final or complete until
12 the findings and report resulting from such in-
13 vestigation—

14 “(i) are approved by a majority of the
15 members of the Committee in a roll call
16 vote; and

17 “(ii) in the case of any roll call vote
18 pursuant to clause (i) in which there is at
19 least 1 vote by a Committee member
20 against approving a foreign government-
21 controlled transaction, are signed by the
22 President (in addition to the Chairperson
23 and the Vice Chairperson of the Committee
24 under subparagraph (A)).

1 “(4) ANALYSIS BY DIRECTOR OF NATIONAL IN-
2 TELLIGENCE.—

3 “(A) IN GENERAL.—The Director of Na-
4 tional Intelligence shall expeditiously carry out
5 a thorough analysis of any threat to the na-
6 tional security of the United States of any cov-
7 ered transaction, including an affirmative in-
8 quiry for information to the Director of the Of-
9 fice of Foreign Assets Control within the De-
10 partment of the Treasury and the Director of
11 the Financial Crimes Enforcement Network.

12 “(B) 30-DAY MINIMUM.—The analysis re-
13 quired under subparagraph (A) shall take no
14 less than 30 days and be completed no less than
15 7 days before the end of the initial review pe-
16 riod under paragraph (1), except in any in-
17 stance described in paragraph (2)(A)(ii).

18 “(C) INDEPENDENT ROLE OF DIRECTOR.—
19 The Director of National Intelligence shall not
20 be a member of the Committee and shall serve
21 no policy role with the Committee other than to
22 provide analysis under subparagraph (A) in
23 connection with a covered transaction.

24 “(5) RESUBMITTALS OF NOTICE AND REQUESTS
25 FOR ADDITIONAL REVIEW OR INVESTIGATION.—

1 “(A) IN GENERAL.—No provision of this
2 subsection shall be construed as prohibiting any
3 party to a covered transaction from—

4 “(i) submitting additional information
5 concerning the transaction, including any
6 proposed restructuring of the transaction
7 or any modifications to any agreements in
8 connection with the transaction, while any
9 review or investigation of the transaction is
10 on-going; or

11 “(ii) requesting a review or investiga-
12 tion of the transaction after any previous
13 review or investigation of the same or a
14 similar transaction has become final if in-
15 formation material to the prior review or
16 investigation and not previously submitted
17 to the Committee becomes known or if any
18 material change in circumstances to the
19 covered transaction has occurred since the
20 review or investigation.

21 “(B) APPROVAL OF REQUEST.—In the
22 case of a request referred to in subparagraph
23 (A)(ii), the Committee shall determine by con-
24 sensus whether to grant a request.

1 “(6) REGULATIONS.—Regulations prescribed
2 under this section shall include standard procedures
3 for—

4 “(A) submitting any notice of a proposed
5 or pending covered transaction to the Com-
6 mittee;

7 “(B) submitting a request to withdraw a
8 proposed or pending covered transaction from
9 review; and

10 “(C) resubmitting a notice of proposed or
11 pending covered transaction that was previously
12 withdrawn from review.”.

13 **SEC. 3. STATUTORY ESTABLISHMENT OF THE COMMITTEE**
14 **ON FOREIGN INVESTMENT IN THE UNITED**
15 **STATES.**

16 (a) IN GENERAL.—Section 721 of the Defense Pro-
17 duction Act of 1950 (50 U.S.C. App. 2170) is amended
18 by striking subsection (k) and inserting the following new
19 subsection:

20 “(k) COMMITTEE ON FOREIGN INVESTMENT IN THE
21 UNITED STATES.—

22 “(1) ESTABLISHMENT.—The Committee on
23 Foreign Investment in the United States established
24 pursuant to Executive Order No. 11858 shall be a
25 multi-agency committee to carry out this section and

1 such other assignments as the President may des-
2 ignate.

3 “(2) MEMBERSHIP.—The Committee shall be
4 comprised of the following members or the designee
5 of any such member:

6 “(A) The Secretary of the Treasury.

7 “(B) The Secretary of Homeland Security.

8 “(C) The Secretary of Commerce.

9 “(D) The Secretary of Defense.

10 “(E) The Secretary of State.

11 “(F) The Attorney General.

12 “(G) The Chairman of the Council of Eco-
13 nomic Advisors.

14 “(H) The United States Trade Represent-
15 ative.

16 “(I) The Director of the Office of Manage-
17 ment and Budget.

18 “(J) The Director of the National Eco-
19 nomic Council.

20 “(K) The Director of the Office of Science
21 and Technology Policy.

22 “(L) The President’s Assistant for Na-
23 tional Security Affairs.

24 “(M) Any other designee of the President
25 from the Executive Office of the President.

1 “(3) CHAIRPERSON; VICE CHAIRPERSON.—The
2 Secretary of the Treasury shall be the Chairperson
3 of the Committee. The Secretary of Homeland Secu-
4 rity shall be the Vice Chairperson of the Committee.

5 “(4) OTHER MEMBERS.—Subject to subsection
6 (b)(4)(B), the Chairperson of the Committee shall
7 involve the heads of such other Federal departments,
8 agencies, and independent establishments in any re-
9 view or investigation under subsection (b) as the
10 Chairperson, after consulting with the Vice Chair-
11 person, determines to be appropriate on the basis of
12 the facts and circumstances of the transaction under
13 investigation (or the designee of any such depart-
14 ment or agency head).

15 “(5) MEETINGS.—The Committee shall meet
16 upon the direction of the President or upon the call
17 of the Chairperson of the Committee without regard
18 to section 552b of title 5, United States Code (if
19 otherwise applicable).

20 “(6) COLLECTION OF EVIDENCE.—Subject to
21 subsection (c), the Committee may, for the purpose
22 of carrying out this section—

23 “(A) sit and act at such times and places,
24 take such testimony, receive such evidence, ad-
25 minister such oaths; and

1 “(B) require the attendance and testimony
 2 of such witnesses and the production of such
 3 books, records, correspondence, memoranda, pa-
 4 pers, and documents as the Chairperson of the
 5 Committee may determine advisable.

6 “(7) AUTHORIZATION OF APPROPRIATIONS.—
 7 There are authorized to be appropriated to the Sec-
 8 retary of the Treasury for each of fiscal years 2007,
 9 2008, 2009, and 2010, expressly and solely for the
 10 operations of the Committee that are conducted by
 11 the Secretary, the sum of \$10,000,000.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 13 The first sentence of section 721(c) of the Defense Pro-
 14 duction Act of 1950 (50 U.S.C. App. 2170(c)) is amend-
 15 ed—

16 (1) by striking “material filed with” and insert-
 17 ing “material, including proprietary business infor-
 18 mation, filed with, or testimony presented to,”; and

19 (2) by striking “or documentary material” the
 20 2nd place such term appears and inserting “, docu-
 21 mentary material, or testimony”.

22 **SEC. 4. ADDITIONAL FACTORS REQUIRED TO BE CONSID-**
 23 **ERED.**

24 Section 721(f) of the Defense Production Act of 1950
 25 (50 U.S.C. App. 2170(f)) is amended—

1 (1) in the matter preceding paragraph (1)—

2 (A) by striking “may” and inserting
3 “shall”; and

4 (B) by striking “among other factors”;

5 (2) by striking “and” at the end of paragraph
6 (4);

7 (3) by striking the period at the end of para-
8 graph (5) and inserting a semicolon; and

9 (4) by adding at the end the following new
10 paragraphs:

11 “(6) whether the covered transaction has a se-
12 curity-related impact on critical infrastructure in the
13 United States;

14 “(7) whether the covered transaction is a for-
15 eign government-controlled transaction; and

16 “(8) such other factors as the President or the
17 President’s designee may determine to be appro-
18 priate, generally or in connection with a specific re-
19 view or investigation.”.

20 **SEC. 5. NONWAIVER OF SOVEREIGN IMMUNITY.**

21 Section 721(d) of the Defense Production Act of
22 1950 (50 U.S.C. App. 2170(d)) is amended by adding at
23 the end the following new sentence: “The United States
24 shall not be held liable for any losses or other expenses
25 incurred by any party to a covered transaction as a result

1 of actions taken under this section after a covered trans-
 2 action has been consummated if the party did not submit
 3 a written notice of the transaction to the Chairperson of
 4 the Committee under subsection (b)(1)(C) or did not wait
 5 until the completion of any review or investigation under
 6 subsection (b), or the end of the 15-day period referred
 7 to in this subsection, before consummating the trans-
 8 action.”.

9 **SEC. 6. MITIGATION, TRACKING, AND POST-CONSUMMA-**
 10 **TION MONITORING AND ENFORCEMENT.**

11 Section 721 of the Defense Production Act of 1950
 12 (50 U.S.C. App. 2170) is amended by inserting after sub-
 13 section (k) (as amended by section 3 of this Act) the fol-
 14 lowing new subsection:

15 “(l) MITIGATION, TRACKING, AND
 16 POSTCONSUMMATION MONITORING AND ENFORCE-
 17 MENT.—

18 “(1) MITIGATION.—

19 “(A) IN GENERAL.—The Committee may
 20 negotiate, enter into or impose, and enforce any
 21 agreement or condition with any party to a cov-
 22 ered transaction in order to mitigate any threat
 23 to the national security of the United States.

24 “(B) RISK-BASED ANALYSIS REQUIRED.—

25 Any agreement entered into or condition im-

posed under subparagraph (A) shall be based on a risk-based analysis of the threat to national security of the covered transaction.

“(2) TRACKING AUTHORITY FOR WITHDRAWN NOTICES.—

“(A) IN GENERAL.—If any written notice of a covered transaction that was submitted to the Committee under this section is withdrawn before any review or investigation by the Committee under subsection (b) is completed, the Committee shall establish, as appropriate—

“(i) interim protections to address specific concerns with such transaction that have been raised in connection with any such review or investigation pending any resubmission of any written notice under this section with respect to such transaction and further action by the President under this section;

“(ii) specific timeframes for resubmitting any such written notice; and

“(iii) a process for tracking any actions that may be taken by any party to the transaction, in connection with the

1 transaction, before the notice referred to in
2 clause (ii) is resubmitted.

3 “(B) DESIGNATION OF AGENCY.—The
4 Committee may designate an appropriate Fed-
5 eral department or agency, other than any enti-
6 ty of the intelligence community (as defined in
7 the National Security Act of 1947), as the lead
8 agency to carry out the requirements of sub-
9 paragraph (A) with respect to any covered
10 transaction that is subject to such subpara-
11 graph.

12 “(3) NEGOTIATION, MODIFICATION, MONI-
13 TORING, AND ENFORCEMENT.—

14 “(A) DESIGNATION OF AGENCY.—The
15 Committee shall designate a Federal depart-
16 ment or agency as the lead agency to negotiate,
17 modify, monitor, and enforce any agreement en-
18 tered into or condition imposed under para-
19 graph (1) with respect to a covered transaction
20 based on the expertise with and knowledge of
21 the issues related to such transaction on the
22 part of the designated department or agency.

23 “(B) REPORTING BY DESIGNATED AGEN-
24 CY.—

1 “(i) IMPLEMENTATION REPORTS.—

2 The Federal department or agency des-
3 ignated by the Committee as a lead agency
4 under subparagraph (A) in connection with
5 any agreement entered into or condition
6 imposed under paragraph (1) with respect
7 to a covered transaction shall—

8 “(I) provide periodic reports to
9 the Chairperson and Vice Chairperson
10 of the Committee on the implementa-
11 tion of such agreement or condition;
12 and

13 “(II) require, as appropriate, any
14 party to the covered transaction to re-
15 port to the head of such department
16 or agency (or the designee of such de-
17 partment or agency head) on the im-
18 plementation or any material change
19 in circumstances.

20 “(ii) MODIFICATION REPORTS.—The
21 Federal department or agency designated
22 by the Committee as a lead agency under
23 subparagraph (A) in connection with any
24 agreement entered into or condition im-

posed with respect to a covered transaction
shall—

“(I) provide periodic reports to
the Chairperson and Vice Chairperson
of the Committee on any modification
to any such agreement or condition
imposed with respect to the trans-
action; and

“(II) ensure that any significant
modification to any such agreement or
condition is reported to the Director
of National Intelligence and to any
other Federal department or agency
that may have a material interest in
such modification.”.

SEC. 7. INCREASED OVERSIGHT BY THE CONGRESS.

(a) REPORT ON ACTIONS.—Section 721(g) of the De-
fense Production Act of 1950 (50 U.S.C. App. 2170) is
amended to read as follows:

“(g) REPORTS TO THE CONGRESS.—

“(1) REPORTS ON COMPLETED COMMITTEE IN-
VESTIGATIONS.—

“(A) IN GENERAL.—Not later than 5 days
after the completion of a Committee investiga-
tion of a covered transaction under subsection

(b)(2), or, if the President indicates an intent to take any action authorized under subsection (d) with respect to the transaction, after the end of 15-day period referred to in subsection (d), the Chairperson or Vice Chairperson of the Committee shall submit a written report on the findings or actions of the Committee with respect to such investigation, the determination of whether or not to take action under subsection (d), an explanation of the findings under subsection (e), and the factors considered under subsection (f), with respect to such transaction, to—

“(i) the Majority Leader and the Minority Leader of the Senate;

“(ii) the Speaker and the Minority Leader of the House of Representatives; and

“(iii) the chairman and ranking member of each committee of the House of Representatives and the Senate with jurisdiction over any aspect of the covered transaction and its possible effects on national security.

1 “(B) NOTICE AND BRIEFING REQUIRE-
2 MENT.—If a written request for a briefing on a
3 covered transaction is submitted to the Com-
4 mittee by any Senator or Member of Congress
5 who receives a report on the transaction under
6 subparagraph (A), the Chairperson or Vice
7 Chairperson (or such other person as the Chair-
8 person or Vice Chairperson may designate)
9 shall provide 1 classified briefing to each House
10 of the Congress from which any such briefing
11 request originates in a secure facility of appro-
12 priate size and location that shall be open only
13 to the Majority Leader and the Minority Leader
14 of the Senate, the Speaker and the Minority
15 Leader of the House of Representatives, (as the
16 case may be) the chairman and ranking mem-
17 ber of each committee of the House of Rep-
18 resentatives or the Senate (as the case may be)
19 with jurisdiction over any aspect of the covered
20 transaction and its possible effects on national
21 security, and appropriate staff members who
22 have security clearance.

23 “(2) APPLICATION OF OTHER PROVISION.—

24 “(A) IN GENERAL.—The disclosure of in-
25 formation under this subsection shall be con-

1 sistent with the requirements of subsection (c).
2 Members of Congress and staff of either House
3 or any committee of the Congress shall be sub-
4 ject to the same limitations on disclosure of in-
5 formation as are applicable under such sub-
6 section.

7 “(B) PROPRIETARY INFORMATION.—Pro-
8 prietary information which can be associated
9 with a particular party to a covered transaction
10 shall be furnished in accordance with subpara-
11 graph (A) only to a committee of the Congress
12 and only when the committee provides assur-
13 ances of confidentiality, unless such party oth-
14 erwise consents in writing to such disclosure.”.

15 (b) SEMI-ANNUAL REPORT.—Section 721 of the De-
16 fense Production Act of 1950 (50 U.S.C. App. 2170) is
17 amended by inserting after subsection (l) (as added by sec-
18 tion 6 of this Act) the following new subsection:

19 “(m) SEMI-ANNUAL REPORT TO THE CONGRESS.—
20 “(1) IN GENERAL.—The Chairperson of the
21 Committee shall transmit a report to the Congress
22 before January 31 and July 31 of each year on all
23 the reviews and investigations of covered trans-
24 actions conducted under subsection (b) during the 6-
25 month period covered by the report.

1 “(2) CONTENTS OF REPORT RELATING TO COV-
2 ERED TRANSACTIONS.—The report under paragraph
3 (1) shall contain the following information with re-
4 spect to each covered transaction:

5 “(A) A list of all notices filed and all re-
6 views or investigations conducted during the pe-
7 riod with basic information on each party to the
8 transaction, the nature of the business activities
9 or products of all pertinent persons, along with
10 information about the status of the review or
11 investigation, information on any withdrawal
12 from the process, any rolleall votes by the Com-
13 mittee under this section, any extension of time
14 for any investigation, and any presidential deci-
15 sion or action under this section.

16 “(B) Specific, cumulative, and, as appro-
17 priate, trend information on the numbers of fil-
18 ings, investigations, withdrawals, and presi-
19 dential decisions or actions under this section.

20 “(C) Cumulative and, as appropriate,
21 trend information on the business sectors in-
22 volved in the filings which have been made, and
23 the countries from which the investments have
24 originated.

1 “(D) Information on whether companies
2 that withdrew notices to the Committee in ac-
3 cordance with subsection (b)(1)(C)(ii) have
4 later re-filed such notices, or, alternatively,
5 abandoned the transaction.

6 “(E) The types of security arrangements
7 and conditions the Committee has used to miti-
8 gate national security concerns about a trans-
9 action.

10 “(F) A detailed discussion of all perceived
11 adverse effects of covered transactions on the
12 national security or critical infrastructure of the
13 United States that the Committee will take into
14 account in its deliberations during the period
15 before delivery of the next such report, to the
16 extent possible.

17 “(3) CONTENTS OF REPORT RELATING TO
18 CRITICAL TECHNOLOGIES.—

19 “(A) IN GENERAL.—In order to assist the
20 Congress in its oversight responsibilities with
21 respect to this section, the President and such
22 agencies as the President shall designate shall
23 include in the semi-annual report submitted
24 under paragraph (1) the following:

1 “(i) An evaluation of whether there is
2 credible evidence of a coordinated strategy
3 by 1 or more countries or companies to ac-
4 quire United States companies involved in
5 research, development, or production of
6 critical technologies for which the United
7 States is a leading producer.

8 “(ii) An evaluation of whether there
9 are industrial espionage activities directed
10 or directly assisted by foreign governments
11 against private United States companies
12 aimed at obtaining commercial secrets re-
13 lated to critical technologies.

14 “(B) CRITICAL TECHNOLOGIES DE-
15 FINED.—For purposes of this paragraph, the
16 term ‘critical technologies’ means technologies
17 identified under title VI of the National Science
18 and Technology Policy, Organization, and Pri-
19 orities Act of 1976 or other critical technology,
20 critical components, or critical technology items
21 essential to national defense or national security
22 identified pursuant to this section.

23 “(C) RELEASE OF UNCLASSIFIED
24 STUDY.—That portion of the semi-annual re-
25 port under paragraph (1) that is required by

1 this paragraph may be classified. An unclassi-
2 fied version of that portion of the report shall
3 be made available to the public.”.

4 (c) INVESTIGATION BY INSPECTOR GENERAL.—

5 (1) IN GENERAL.—The Inspector General of
6 the Department of the Treasury shall conduct an
7 independent investigation to determine all of the
8 facts and circumstances concerning each failure of
9 the Department of the Treasury to make any report
10 to the Congress that was required under section
11 721(k) of the Defense Production Act of 1950 (as
12 in effect before the date of the enactment of this
13 Act).

14 (2) REPORT TO THE CONGRESS.—Before the
15 end of the 270-day period beginning on the date of
16 the enactment of this Act, the Inspector General of
17 the Department of the Treasury shall submit a re-
18 port to the Congress on the investigation under
19 paragraph (1) containing the findings and conclu-
20 sions of the Inspector General.

21 **SEC. 8. CERTIFICATION OF NOTICES AND ASSURANCES.**

22 Section 721 of the Defense Production Act of 1950
23 (50 U.S.C. App. 2170) is amended by inserting after sub-
24 section (m) (as added by section 7(b) of this Act) the fol-
25 lowing new subsection:

1 “(n) CERTIFICATION OF NOTICES AND ASSUR-
 2 ANCES.—Each notice required to be submitted to the
 3 President or the President’s designee under this section
 4 and regulations prescribed under such section, and each
 5 report required pursuant to paragraph (3)(B)(ii) of sub-
 6 section (l) with respect to the implementation of any miti-
 7 gation agreement or condition described in paragraph
 8 (1)(A) of such subsection or any material change in cir-
 9 cumstances shall be accompanied by a written statement
 10 by the chief executive officer or the designee of the person
 11 required to submit such notice or report certifying that,
 12 to the best of the person’s knowledge and belief—

13 “(1) the notice or report submitted fully com-
 14 plies with the requirements of this section or such
 15 regulation, agreement, or condition; and

16 “(2) the information so contained is accurate
 17 and complete in all material respects.”.

18 **SEC. 9. REGULATIONS.**

19 Section 721(h) of the Defense Production Act of
 20 1950 (50 U.S.C. App. 2170(h)) is amended to read as
 21 follows:

22 “(h) REGULATIONS.—The President shall direct the
 23 issuance of regulations to carry out this section. Such reg-
 24 ulations shall, to the extent possible, minimize paperwork
 25 burdens and shall to the extent possible coordinate report-

1 ing requirements under this section with reporting re-
2 quirements under any other provision of Federal law.”.

3 **SEC. 10. EFFECT ON OTHER LAW.**

4 Section 721(i) of the Defense Production Act of 1950
5 (50 U.S.C. App. 2170(i)) is amended to read as follows:

6 “(i) EFFECT ON OTHER LAW.—No provision of this
7 section shall be construed as altering or affecting any
8 other authority, process, regulation, investigation, enforce-
9 ment measure, or review provided by or established under
10 any other provision of Federal law, including the Inter-
11 national Emergency Economic Powers Act, or any other
12 authority of the President or the Congress under the Con-
13 stitution of the United States.”.

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